
**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES

Reason for this Report

1. The Council is requested to review and determine the allocation of seats on Committees to political groups in accordance with the Political Balance Rules; and to receive nominations and make appointments of Members in respect of any changes to be made, in accordance with Party Group wishes.

Background

2. At its Annual Meeting on 27 May 2021, Council determined the establishment of its Committees, together with their size and terms of reference, and the allocation of seats on committees to political groups in accordance with legislation.
3. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the groups on the Council as far as is reasonably practicable.
4. After any change in the political composition of the Council, as soon as reasonably practicable, the Council is required to review and determine the allocation of committee seats to political groups in accordance with the political balance rules.

Issues

Political Balance

5. Following the resignation of Councillor A Gibson from the Propel Party on 4th August 2021, and the resignation from the office of Member of the Heath and Birchgrove Independent Member with effect from 29th September 2021, the composition of the Council will be as set out in Table A:

TABLE A - Composition of the Council as at 30 September 2021:

Groups and Independents	Number of Councillors	Political Balance
Labour	38	50.67%
Conservative	21	28.00%
Liberal Democrat	11	14.67%
Propel	3	4.00%
Independent Member (Ely)	1	1.33%
Vacancy Heath Ward (29 th September 2021)	1	1.33%

Allocation of Seats

6. The total number of seats on the Committees which are subject to the political balance requirements is 144, as detailed in **Appendix A**. Based on the current composition of the Council (shown in Table A), the proportional allocation of seats on those Committees is as set out in Table B:

TABLE B – Allocation of Seats in accordance with Political Balance

Groups and Independents	Number of Committee seats
Labour	73
Conservative	40
Liberal Democrats	21
Propel	6
Independents	4
Totals	144

7. The proportional allocation of seats has changed and has been re-balanced, in consultation with party group leaders and whips and the independent Member, as follows:
- a. The Labour Group is to transfer 2 seats (one on Democratic Services Committee and the other on Council Appeals Committee) to the Independent Member
 - b. The Conservative Group is to transfer 1 seat (on Public Protection Committee) to the Independent Member
 - c. The Propel Party is to transfer 1 seat (on Community & Adult Services Scrutiny Committee (CASSC)) to the Independent Member

(There are no changes to the Liberal Democrat group allocation.)

8. This revised allocation has meant that the overall political balance is now within + 0.24 and - 0.32 of a committee seat for all political groups. However, Members should note that the political balance requirements will need to be revisited once a new Member is elected to fill the current vacancy.

Nominations and Appointments to Committees

9. Groups may wish to make known their nominations in respect of any changes to the Members who are to represent the group on each committee at the Council meeting. Alternatively, the Director of Governance and Legal Services and Monitoring Officer may be asked to exercise her delegated authority (reference LD17) to make appointments to fill committee seats or any changes to be made in accordance with the wishes of the political groups and then report the appointments and any changes to the next Council meeting for information.
10. It is the duty of the Council to make appointments as soon as practicable and to give effect to the stated wishes of party groups regarding who is to be appointed to the seats allocated to that particular group.

Legal Implications

Political balance

11. Sections 15 to 17 of the Local Government and Housing Act 1989 (“the 1989 Act”) and the Local Government (Committees and Political Groups) Regulations 1990 (“the 1990 Regulations”) lay down requirements designed to ensure that there is political proportionality on Committees. The rules apply to all ordinary committees, advisory committees, scrutiny committees, the Democratic Services Committee, Audit Committee and joint committees where the Council appoints three or more seats. The rules do not apply to the Standards and Ethics Committee or the Licensing Committee. However, by custom and practice, the Council has elected to apply the political proportionality rules to the Licensing Committee; and has appointed one Member from each of the three largest political groups to the Standards and Ethics Committee to ensure political balance
12. After any change in its political composition, as soon as reasonably practicable, the Council is required to review the political make up of its Committees, and determine the allocation of seats to political groups in accordance with the principles set out in Section 15 of 1989 Act, those principles being:
 - (a) not all seats on a Committee should be allocated to the same political group;
 - (b) the majority group on the Council should form the majority on the Committee;
 - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
 - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.
13. Where not all Members of an authority belong to a political group, then any seats remaining unallocated after the proportional allocation of seats to the political groups, are allocated to those Members not belonging to a political group (Regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990, ‘the 1990 Regulations’).

14. Where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the 1990 Regulations requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter - its function is simply to make appointments, which give effect to the wishes of the political groups.
15. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
16. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.
17. Full Council is responsible for determining the composition of its committees and making appointments to them, except as lawfully delegated. Under its approved Scheme of Delegations (Section 4E, delegation reference LD17), Council has delegated authority to the Monitoring Officer 'To appoint councillors or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – "substitutions") in accordance with the wishes of political groups or member nominating body.'

Financial Implications

18. There are no direct financial implications arising from this report. Remuneration payments are to be made in accordance with the rates applicable through the Members' Schedule of Remuneration, and contained within the allocated budget.

RECOMMENDATIONS

The Council is recommended to:

- a. approve the revised allocation of seats on Committees as set out in **Appendix A**;
- b. in accordance with nominations from the groups, make any changes to the appointments of Members to the seats allocated to each group;
- c. appoint Councillor Gibson (Independent Member) to the Community & Adult Services Scrutiny Committee.

- d. request the Monitoring Officer to make appointments in respect of any remaining vacancies in accordance with any further nominations or changes received from the relevant political groups following this meeting, and to report to the next Council meeting the details of all appointments to committees for information.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

24 September 2021

Appendix A – Revised Distribution of Seats Municipal Year 2021/22